

REMARKS

It is respectfully submitted that a *prima facie* rejection is not made out for two reasons. Firstly, all of the elements set forth in the claim are not shown even if all of the Examiner's assertions were accepted. Secondly, a rationale to modify has not been demonstrated. Since both of these requirements are necessary to make out a *prima facie* rejection, a *prima facie* rejection has not been made out. The assertion in the final rejection that because a *prima facie* rejection has been made out, the burden shifts to the Applicant is inapplicable since no *prima facie* rejection was ever made. As a result, the burden remains on the Examiner and the Examiner has, so far, been unable to meet that burden.

Neither reference teaches automatically transferring information to a wireless device at the predetermined time from two or more websites in a single connection session. It is conceded that Khan does not teach a transfer in a single connection session of website information. But, more importantly than that, not only does Khan not teach it, but he has no reason to use such a feature. Khan transfers information from a single website automatically only when that website is updated. The odds that any given two websites would be updated at the same time so that there would be a benefit to transferring the website information from two different websites at a single connection is so remote to be of no reasonable concern to Khan.

It is further suggested that Ohashi teaches using a single connection session. But, even if one were to accept this assertion, there is no teaching of providing information from two websites in a single connection session. There is no rationale within Khan to make the modification since Khan does not even teach sending two of anything in a single connection. There is no rationale in Ohashi to modify Khan to transmit to website information elements in a single connection because Khan teaches no such thing.

There is no rationale to modify Khan in view of Ohashi and, as pointed out above, even if such modifications were made, those modifications still would not reach what is claimed in claim 1. There is no rationale to modify because Khan would never have a reason to try to put information from two websites in a single connection. Even if he knew that single connection transfers were possible and even if he knew that single connection transfers of information from websites were possible.

The only cited support in Ohashi is column 7, lines 55-66. This is merely talking about printing multiple pages of information. Its applicability to accessing a web page, accessing a

second web page, and providing information from both web pages in a single session is obscure. The fact that someone can print a bunch of pages from a document does not teach anything of any use to someone trying to solve the problem solved by the claimed invention.

To put the issue in a more practical context, if you were Khan, you do not even know any reason to believe that you should or could transfer the information from two websites in a single connection session. Why would you be motivated by the fact that someone can print multiple pages of a document to understand that there would be a benefit to receiving information from two web pages in the single connection? And, even if somehow you were able to make that leap which would amount to invention, what in Ohashi would tell you how to do such a thing in the context of transferring information from two different websites in a single connection session? The problem is that, absent the benefit of hindsight, Ohashi just simply does not provide any useful information to Khan.

For the first time in a final rejection, a rejection under Section 101 is made out. Plainly, a final rejection is inappropriate under the circumstances. It is the Applicant's attorneys' understanding that the office would prefer that, rather than immediately petition the improper final rejection, a response be made in the hopes that perhaps the case may be allowed and that the response should indicate the impropriety of the final rejection. Thus, the Applicant thereby preserves the right to petition should the final rejection not be withdrawn. Since a new ground of rejection was posed for the first time on the final rejection, withdrawal of the final rejection is respectfully requested.

The gist of the rejection seems to be the rather amazing assertion that the steps of claim 1 could be implemented without a computer or machine. However, the claim specifically calls for aggregating information "on a client." Therefore, how a computer might not be used is not understood. Moreover, the claim calls for "automatically" transferring information. How something can be done automatically without a computer or machine is not understood. Moreover, the transfer must be to "a wireless device." It is not seen how the claim would enable implementation without a machine. Finally, the claim calls for information being transferred "in a single connection session." It is not believed to be possible to have a single connection session without a computer or machine.

Therefore, reconsideration of the rejection of claim 1 under Section 101 is respectfully requested.

Respectfully submitted,



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